IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Case No. : R.S.A.No.5477 of 2003
Date of Decision : October 12, 2006.

Begraj Sharma ..... Appellant

Vs.

State of Haryana and others ..... Respondents

Coram : Hon'ble Mr.Justice P.S.Patwalia

* * *

Present : Mrs.Daya Chaudhary, Advocate
for the appellant.

Mr.Aashish Grover, Addl.A.G., Haryana.

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P.S.Patwalia, J. (Oral) :

The present Regular Second Appeal has been filed by the plaintiff aggrieved against the judgment of the lower appellate court declining his claim for interest on pension and other retiral benefits which were allegedly paid after delay.

A reading of the order of the lower appellate court would show that the plaintiff had retired from service on 30.4.1998. Before his retirement, by an order dated 6.12.1997 one increment of the plaintiff was

stopped with cumulative effect. The plaintiff had filed an appeal against the said order. The said appeal came to be decided in favour of the plaintiff on 20.5.1999. It is the stand of the respondent-State that while the plaintiff should have submitted two sets of pension papers, he however submitted only one set on 16.12.1997. In spite of many reminders he did not submit the second set of pension papers. Under these circumstances the State Government had no option but to forward the pension papers as they were, to the office of Accountant General, Haryana on 1.1.1999. The pension and gratuity were released to the plaintiff in the month of January 1999 itself. Today a chart has been produced before me which shows that leave encashment due to him had been earlier granted to him in June 1998 and his G.P.F. amount had been paid to him in September 1998. In these circumstances the lower appellate court has concluded that there was no inordinate delay on the part of the respondents in releasing the terminal benefits so as to make the State liable for payment of interest on the aforesaid payments.

Apart from this it also deserves to be noticed that the plaintiff had earlier filed a writ petition in this High Court being C.W.P.No.12971 of 1998. This writ petition was disposed of by a Division Bench of this Court on 19.8.1998 with a direction to decide the claim of the plaintiff for his retiral benefits as expeditiously as possible. Thereafter the plaintiff again approached this Court by filing a contempt petition being C.O.C.P.No.1657 of 1998. This petition came up for hearing on 18.3.1999 on which date the following order was passed :-

"Counsel for the parties are agreed that the claim of the petitioner has since been granted.

This renders the petition infructuous and the same is disposed of accordingly."

The lower appellate court has noted that once the plaintiff had stated before this Court that his claim had been granted he was not entitled to interest on this ground as well.

Learned counsel for the plaintiff-appellant before me has contended that the respondent-State was liable to pay interest as the payment had been made beyond a period of three months after the retirement of the plaintiff. She relies upon a Full Bench judgment of this Court in the case of ***A.J.Randhawa, Supdg. Engineer (Retd.) vs. State of Punjab*** reported as ***1998 (1) SCT 343***. I however cannot agree with the contention raised by learned counsel for the appellant. In the present case it is clear that the plaintiff had only submitted one set of papers on 16.12.1997. The reason for submission of this incomplete set is not far to seek. The plaintiff had been imposed a penalty of stoppage of one increment on 6.12.1997. He had filed an appeal against the same. It is therefore apparent that he was first prosecuting his appeal and it is therefore that he may not have completed the pension papers. However be that as it may even that incomplete set was forwarded to the office of Accountant General, Haryana in the month of January 1999 and within four months thereafter entire pensionary benefits were released to the plaintiff. I do not find it to be a fit case where there has been an inordinate delay so as to warrant the grant of interest. A reading of the judgment of the Full Bench would show that primarily the point for consideration before the Full Bench in that case was as to whether or not the writ petition was maintainable only for interest on delayed payment of arrears of pay, pension etc. That is not

the situation here. Even otherwise in the facts of this case I am of the opinion that no interest is payable.

I therefore find no merit in the present Regular Second Appeal and the same is accordingly dismissed.

October 12, 2006 (P.S.Patwalia)
monika Judge